

Remarks

Status of the claims

Claims 2-5 and 14-21 are pending in the current application. Claims 16-19 are cancelled for reasons described below.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 16-19 were rejected as inserting new matter into the claims by providing weight limitations for the pharmaceutical compositions. Applicants hereby cancel claims 16-19, thereby obviating the rejection.

The obviousness rejection should be withdrawn

Claims 2-5 and 14-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Garland, J. American Chemical Society, 2333-2340, 1925, in view of International Publication No. WO 89/00077 (Luisi).

Garland discloses 1-methyl-2-cyclohexylcyclohexane and 1-ethyl-2-cyclohexylcyclohexane. Luisi relates to a pharmaceutical lecithin gel that includes an organic solvent and water, to which an active ingredient may be added before gelation. Luisi lists unsubstituted dicyclohexyl (cyclohexylcyclohexane) as one of many suitable solvents.

The Examiner correctly states that Garland does not teach the particular hexamethyl compounds of formulas (III) and (IV), nor the employment of such compounds in cosmetic or pharmaceutical compositions, nor the specific amounts of dicyclohexyl compounds to be used in such compositions. In order to cure this deficiency, the Examiner has reached forward 64 years to the 1989 Luisi reference. If such a combination were so obvious, why was there such an extended period of time before dicyclohexyl compounds were employed in a (very specific) lecithin gel pharmaceutical formulation? In addition, the fact that an additional 14 years passed from Luisi to the submission of the present application strongly suggests that the poly methyl-substituted dicyclic compounds now being claimed by Applicants are not obvious in view of prior art. Indeed, Applicant's respectfully submit that the selective picking and choosing of

elements from references so far removed from one another in time strongly indicates impermissible hindsight reconstruction on the part of the Examiner.

With regard to the Examiner's assertion that "structurally similar species usually have similar properties" (Office Action, p. 5, second paragraph), it is well known in the chemical arts that multiple alkyl substitution of an alkyl residue, particularly geminal-dialkyl substitution to form quaternary carbon centers, imparts physico-chemical properties, such as boiling point, melting point, and solubility characteristics, that are neither additive nor predictable. Applicants' compounds, formulas (III) and (IV), contain 2 quaternary centers due to the hexamethyl substitution. Such structure is simply not taught nor suggested by any of the references. Furthermore, the physico-chemical properties of these molecules are not predictable from the dicyclohexyl compounds taught by Luisi. Thus, it is not only the structure of Applicants' claims that is unobvious, the unique cosmetic and pharmaceutical properties of Applicants' compounds are not in any way suggested by the Luisi compound.

In addition, Luisi only teaches the narrow use of dicyclohexyl as a solvent in a lecithin gel pharmaceutical formulation; no cosmetic uses are disclosed.

In view of the amendments to the claims and the preceding arguments, Applicants request that the rejections be withdrawn, and the pending claims allowed.

If any additional fees are required to further the prosecution of this application, the Office is authorized to charge such fees to Deposit Account No. 19-5425.

Respectfully submitted,

Date: September 23, 2008

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